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AUG 26 2002

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

August 25, 2002

Ms. Marlene H. Dortch, Esq.
Secretary
Federal Communications Commission
445 12th Street SW
Washington D.C. 20554

In the Matter of :)	MB Docket No. 02-178
Amendment of Section 73.622(b))	
Table of Allotments)	
Digital Television Broadcast Stations)	
Re: a Notice of Proposed Rule Making)	RM-10456
To substitute DTV channel 8 for)	
Station WVSX-DT's assigned channel 48.)	

DELIVERY CERTIFICATION

Dear Ms. Dortch:

I hereby certify that I have sent a copy of the enclosed comment to the following:

George R. Borsari, Jr. Esq.
Borsari & Paxson
4000 Albemarle Street, N.W.
Washington DC 20016

Counsel for High Mountain Broadcasting, Inc.

Certified this 25th day of August, 2002.



Sid Shumate

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COMMENT

Dear Ms. Dortch:

As an individual, I was the original petitioner for the allotment for WVSX's analog NTSC channel. After performing an initial study of the potential allotment channel to request, I had originally petitioned the Federal Communications Commission (the Commission), on February 10, 1987, to allot channel 18 to Lewisburg, West Virginia. If a lower channel had been available for allotment under the then-applicable rules, I would have petitioned for a lower, preferably VHF, television channel.

Upon the recommendation of Commission engineering staff, this petition was successfully re-submitted on March 15, 1987, with a change to channel 59. While channel 18 met the UHF taboo requirements, in those days prior to the consideration of terrain shielding, it would probably not have been possible to obtain a waiver of the requirement to protect two-way radio use in the vicinity of Washington, D.C., over one hundred airline miles and several mountain ranges away.

Upon the granting of this allotment, I, as majority owner and President of WVGTV Television Corporation, applied for and was granted a permit to construct channel 59. WVGTV-TV, (now known as WVSX-TV, after it's sale to High Mountain Broadcasting), originally signed on-the-air in August of 1995.

Therefore, as the original allotment petitioner for channel 59, and the original applicant for, original builder of, and former owner of WVGTV-TV (now WVSX-TV), I hereby endorse this proposed substitution of DTV channel 8 for WVSX-DT's current channel 48. I also heartily commend the Commission for wisely proposing to adopt this proposal.

I endorse this proposal for the following reasons:

1. As a native of the Bluefield-Beckley-Lewisburg television market (or DMA, as defined by the Nielsen rating service), I grew up experiencing the difficulty of receiving television in the mountainous terrain of southeastern West Virginia; while low-VHF (Channels 4 and 6) and high-VHF (channels 9 from Grandview, and channels 7 and 10 from Roanoke) could be received in the southern tip of the Greenbrier Valley, near the Virginia border, reception of channel 15, and later channel 21, also broadcast from the same mountaintop as channels 7 and 10 in Roanoke, was never successful.
2. The other two major-affiliate commercial television stations in the market currently are transmitting NTSC on channels 4 and 6; due to the terrain considerations in this market, it is highly probable that, after the DTV transition occurs, these stations will retain these channels for DTV transmission; therefore, swapping channel 8 for the channel 48 allotment will provide WVSX-DT with a much better opportunity to reach and serve the off-air audience, and to compete equally with the other stations in the market.
3. As a graduate electrical engineer, licensed General Class operator, a former television Chief Engineer with decades of television engineering experience, and now a professional appraiser of radio and television stations, I am well aware of the technical reasons for poor UHF reception in this market. For the same reasons, the terrain shielding provided by the Appalachian mountain ranges will also significantly reduce and probably prevent the occurrence of potential interference between NTSC and DTV stations in other locations, separated by flat terrain, that is currently being reported to the Commission.
4. Due to the difficulty of obtaining adequate additional power to the current WVSX-TV and WVSX-DT transmitter site, the opportunity to utilize a high-VHF DTV channel, and the resultant lower transmitted power requirement, will make the construction and operation of WVSX-DT both more practical and affordable, while providing a better chance of reliable reception.

5. Providing the opportunity to use channel 8 will provide incentive for WVSX-TV to more rapidly transition; therefore clearing WVSX's analog channel 59 for the future uses that this bandwidth will soon be auctioned off for.

While I am still receiving compensation, pursuant to a non-compete agreement with High Mountain Broadcasting, High Mountain Broadcasting has not solicited my comments, nor are they aware, prior to the receipt of a copy of these comments, that I have volunteered to submit these comments. I strongly recommend to the Commission that they proceed with all due haste to grant this proposed swap.

Sincerely yours,

A handwritten signature in black ink, appearing to read "Sid Shumate". The signature is written in a cursive, flowing style with a large initial "S".

Sid Shumate